

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:16-CR-169 ALM
	§	
ARRON GUNN	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 8, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Lesley Brooks.

On November 3, 2011, Defendant was sentenced by the Honorable Norman A. Mordue, United States District Judge of the Northern District of New York, to a sentence of sixty (60) months imprisonment followed by a four (4) year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute and Distribute Cocaine and Cocaine Base. Defendant began his term of supervision on July 31, 2015. The jurisdiction of this case was transferred to the Eastern District of Texas, Sherman Division, and assigned to the Honorable Amos L. Mazzant on November 17, 2016.

On January 24, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not

purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer; and (4) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment, or if such prior notification is not possible, then within five days after such change.

The Petition alleges that Defendant committed the following violations: (1) On November 3, 2015, Defendant submitted a urine specimen that tested positive for marijuana. Defendant admitted verbally and in writing to using marijuana, and the specimen was subsequently confirmed positive by Alere Toxicology Services, Inc.; (2) Defendant failed to report for scheduled office visit on July 6, 2016. Additionally, Defendant failed to submit a monthly report as directed for the months of October, November, and December 2016; and (3) On October 21, 2016, the probation officer made contact with the leasing office of the apartment complex where Defendant had been residing, Tierra Linda Apartments, 3035 W. Pentagon Parkway, Dallas, Texas, 75233, and was informed Defendant was evicted from his apartment on October 11, 2016, due to Defendant's failure to pay rent. As of the writing of the Petition, Defendant has failed to notify the probation officer of his change in residence, and Defendant is considered an absconder from supervision.

At the hearing, Defendant entered a plea of true to all the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments

presented at the January 8, 2018, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of four (4) months, with no supervised release to follow. The Court further recommends that Defendant be given credit for time Defendant has been in custody.

**SIGNED this 8th day of January, 2018.**



KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE